

Planning Permission

Agent:
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Applicant:
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Part 1 Particulars of Application: PA/2025/0171 received 21 March 2025

Proposal: Erection of facilities and garage building, lighting and security fencing

Location Memorial Park Depot, Bridge Street, Padiham, Lancashire, BB12 8LA

Part 2 Particulars of Decision:

The Council gives notice under the Town and Country Planning Act 1990 (as amended) that Planning Permission has been **Granted** for the carrying out of the development in accordance with the application and plans submitted, referred to in Part 1 above, and subject to the following conditions and reasons:

1. The development to which this permission relates must be begun no later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning and Community Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than to the approved drawings and specification indicated thereon except modified by the conditions of this consent. The approved drawings are as follow:

A24-37/01B – Location Plan

A24-37/ 04A - Proposed Plans & Elevations

Reason: To ensure the development is implemented in accordance with the approved plans to avoid ambiguity.

3. No above ground development shall commence until (excluding demolition of existing structures and site clearance); the mitigation measures outlined in the supporting Ground Investigation Report and Supplementary Information, to protect the development from the effects of potential land instability associated with mine entry 378433-020, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The mitigation measures shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information

pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Local Plan Policy NE5 and paragraphs 187, 196 and 197 of the National Planning Policy Framework.

4. Prior to the development hereby approved first being brought into use a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm that the mitigation measures necessary to address the risks posed by past coal mining activity have been implemented in full.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Local Plan Policy NE5 and paragraphs 187, 196 and 197 of the National Planning Policy Framework.

5. The development hereby permitted shall be undertaken strictly in accordance with the mitigation measures and recommendations outlined in the Arboricultural Impact Assessment (February 2025), prepared by Bowland Tree Consultancy, specifically referencing Sections 3 (Temporary Protective Fencing Specification), 4 (Tree Constraints Plan), and 5 (Tree Impact Plan).

Reason: To ensure that the proposed development is carried out in a manner that protects existing trees, minimises ecological impact, and adheres to best arboricultural practices to accord with Local Plan Policy NE4.

6. The development hereby permitted shall be carried out strictly in accordance with the mitigation and recommendations set out in the Bat Survey Report (BOW17.1752 Memorial Park Depot Bat Survey Report), prepared by Bowland Ecology Ltd, June 2026, specifically Sections 5 ("Mitigation and Opportunities") and Appendix A ("Bat Roost Potential and Habitat Suitability Categories"). The mitigation measures include, but are not limited to, scheduling of works outside key bat activity periods, pre-demolition tree inspections, installation of bat boxes, and sensitive lighting design. Any deviation from these measures must be agreed in writing with the Local Planning Authority prior to implementation.

Reason: To ensure the protection of important ecological interests, particularly protected species such as bats, in accordance with Policy NE1 of the Burnley Local Plan, which seeks to conserve and enhance biodiversity. The condition provides appropriate safeguards for biodiversity and ensures that the development complies with national planning policy set out in the NPPF (2024) to minimise impacts on protected species and their habitats.

7. Construction deliveries for the approved development shall only be accepted between the hours of 0930 Hours and 1430 Hours Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interests of highway safety.

8. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

Informative Notes:

1 Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

3 Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

4 Drainage

To discuss their drainage proposals the applicant should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing these concerns with the applicant, such that the application may be recommended for approval.

A handwritten signature in black ink, appearing to read 'A. Guedes', is positioned below the Article 35 Statement text.

For Head of Housing & Development Control

Decision Date: 10th July 2026

NOTES RELATING TO MOST TYPES OF DECISION NOTICES

A. APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within the period specified below,

- If this is an application for planning permission, outline planning permission, approval of Reserved Matters or an application under Prior Approval procedures, and you want to appeal against your local planning authority's decision then you must do so **within six (6) months of the date of this Notice**.
- If this is an application under the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 20 (**in the case of applications for Listed Buildings or Conservation Area Consent**) and you want to appeal against your local planning authority's decision then you must do so **within six (6) months of the date of this Notice**.
- If this is an application for express consent to display an advertisement, if you want to appeal against your local planning authority's decision then you must do so **within eight (8) weeks of the date of this Notice**.
- If this is an application for tree works, appeals must be made **within twenty eight (28) days of the date of this Notice**.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so **within twenty eight (28) days of the date of this Notice**.
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so **within twelve (12) weeks of the date of this Notice**.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so **within twenty eight (28) days of the date of this Notice**.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - **twenty eight (28) days of the date of service of the enforcement notice, or**
 - **six (6) months of the date of this notice, whichever period expires earlier.**

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

B. PURCHASE NOTICE OR LISTED BUILDING PURCHASE NOTICE

If either the Local Planning Authority or Secretary of State for the Environment refuses permission to develop land or Listed Building Consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the Council in whose area the land is situated. This Notice will require the Council to purchase his interest

in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990, or the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 32 (Listed Building or Conservation Area Consent).

C. COMPENSATION

In certain circumstances, compensation may be claimed from the Local Planning Authority if planning permission or Listed Building Consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990, Section 108 (in the case of permission to develop land) or the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 27 (in the case of Listed Building Consent).

D. ADVERTISEMENTS

A person who displays an advertisement in contravention of the Town and Country Planning (Control of Advertisement) Regulations 2007 shall be liable, on summary conviction, to an offence under Section 224(3) of the Act, to a fine not exceeding Level 3 on the standard scale and, in the case of a continuing offence, a tenth of Level 3 for each day during which the offence continues after conviction.

E. OTHER PERMISSIONS

This Notice relates only to the application as described overleaf. It does not convey a decision under any other enactment, byelaw, order or regulation. Separate applications may be needed for such other approval as may be required, e.g. planning permission, approval of Reserved Matters, Listed Building Consent, express consent to display an advertisement, Building Regulations approval etc. – if in doubt, you are advised to enquire. All references to the Local Planning Authority in this case mean Burnley Borough Council.

Paul Gatrell - Head of Housing and Development Control

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